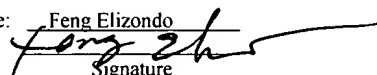




11-20-06

AF  
D

Certificate of Mailing By "U.S. Certified Mail" Under 37 C.F.R. 1.8	
"CERTIFIED MAIL" Mailing Label Number: <u>EV 826337525 US</u>	Date of Deposit: <u>11/17/2006</u>
I hereby certify that this paper and/or fee is being deposited with the United States Postal Service "CERTIFIED MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.8 on the date indicated above and is addressed to the Commissioner For Patents, Alexandria, VA 22313-1450.	
Name: <u>Feng Elizondo</u>  Signature	<u>11/17/2006</u> Date

The Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

ATTN: Mail Stop Appeal Brief-Patents

Re: U.S. Utility Patent Application  
Appl. No. **09/823,509** Filed **03/29/2001**  
For: **Integrated Network for Monitoring Remote Objects**  
Inventor(s): **Fernandez, et al.**  
Docket No.: **FERN-P001C**

Sir:

The following documents are forwarded in response to the Notification of Non-Compliant Appeal Brief, dated 11/08/2006:

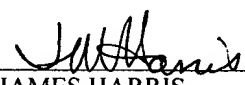
1. Copy of Notification of Non-Compliant Appeal Brief;
2. Amended Appeal Brief;
3. A return postcard.

It is respectfully requested that the attached postcard be stamped with the filing date of the above documents and returned to the addressee as soon as possible.

Applicants do not believe that any payment of fee is needed in association with this communication. However, should Applicants inadvertently miscalculated the required fee, the Commissioner is hereby authorized to charge any necessary amount associated with this communication or credit any overpayment to **Deposit Account No: 500482**.

Respectfully submitted,

11/17/2006  
Date

  
JAMES HARRIS  
Reg. No. 52,995

**FERNANDEZ & ASSOCIATES, LLP**  
**PATENT ATTORNEYS**  
Customer No: 22877  
(650) 325-4999  
(650) 325-1203 FAX  
EMAIL: [iploft@iploft.com](mailto:iploft@iploft.com)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES

Inventors: Fernandez, et al. )  
Application No. 09/823,509 )  
Filed: 03/29/2001 )  
For: INTEGRATED NETWORK )  
FOR MONITORING REMOTE )  
OBJECTS )

Attorney Docket No.: FERN-P001C

Examiner: Vo, Tung T

Art Unit: 2621

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDED APPEAL BRIEF**  
**IN SUPPORT OF APPELLANTS' APPEAL**  
**TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In reply to the Notification of Non-compliant Appeal Brief, mailed November 8, 2006, Appellants hereby submit the following Amended Appeal Brief pursuant to 37 CFR 41.37 in support of an appeal from the final rejection by the Examiner, dated May 24, 2006 and advisory action dated June 23, 2006, in the above-captioned case. Appellants filed a notice of appeal under § 41.31 on August 24, 2006. Also, Appellants assert that the following brief does not include any new or non-admitted amendment, affidavit, or other evidence. Appellants respectfully request consideration of this appeal by the Board of Patent Appeals and Interferences for allowance of the above-captioned patent application.

## TABLE OF CONTENTS

	<u>PAGE</u>
I. <i>Real party in interest</i> .....	3
II. <i>Related appeals and interferences</i> .....	3
III. <i>Status of Claims</i> .....	3
IV. <i>Status of Amendments</i> .....	3
V. <i>Summary of claimed subject matter</i> .....	4
VI. <i>Grounds of rejection to be reviewed on appeal</i> .....	6
VII. <i>Argument</i> .....	6
A. The Examiner has clearly failed to provide a basis or rationale for the rejection of Claim 3, therefore Examiner has not established a <i>prima facie</i> case of obviousness under 35 U.S.C. 103(a).	
B. The Examiner has not provided sufficient evidence of <i>prima facie</i> obviousness under §103(a) for the rejection of Claims 1-3, 5-12, 14-16, 18-21, and 23 as unpatentable over the prior art of Rauber in combination with Woolston.	
C. The Examiner has made contradictory and incorrect statements and thus has improperly rejected claims 1-3, 5-12, 14-16, 18-21, and 23 under 35 U.S.C. 103(a) as being unpatentable over Rauber and Woolston.	
D. Without establishing a <i>prima facie</i> case for the §103(a) obviousness combination of Rauber and Woolston, Examiner has not established that Claims 13, 17, and 22 are unpatentable over Rauber and Woolston in view of Durbin et al., and that Claim 4 is unpatentable in view of Kennedy.	
VIII. <i>Claims appendix</i> .....	15
IX. <i>Evidence appendix</i> .....	NONE
X. <i>Related proceedings appendix</i> .....	NONE

**I. Real party in interest**

The real party in interest is Dennis Fernandez, an individual, having a residence at 1175 Osborn Avenue, Atherton, CA 94027.

**II. Related appeals and interferences**

Related proceedings to this application include US Patent Application No. 09/823,089 with Appeal Brief filed on June 12, 2006 and Application No. 09/823,508 with Notice of Appeal filed on October 11, 2006. To the best of Appellant's knowledge, there are no other prior or pending appeals, judicial proceedings or interferences known to the appellant which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**III. Status of Claims**

In Examiner's Advisory Action Before the Filing of an Appeal Brief, mailed June 23, 2006, all claims 1-23 were **rejected**. Claims 1-23 are currently pending in this proceeding, Claims 1, 11 and 20 being independent claims. These pending claims, 1-23, are being appealed, and are appended herewith in the **Claims appendix**.

**IV. Status of Amendments**

In the Final Office Action mailed May 24, 2006, Examiner rejected claims 1-23. Subsequent to this final rejection, Applicant responded with an amendment filed June 2, 2006. Examiner **entered** the proposed amendments, in the Advisory Action mailed June

23, 2006, while affirming the rejection of claims 1-23. All pending claims 1-23 on appeal are provided in the **Claims appendix**, as filed in the June 2 amendment.

**V. Summary of claimed subject matter**

The subject matter of the invention, defined in independent claims 1, 11 and 20, is related to remote surveillance and communications technology, particularly to integrated fixed and mobile network electronics and related software for object attribute processing (see Appellant's Specification, page 1, lines 7-9; page 2, lines 19-20; and FIG. 1).

Specifically, the claimed subject matter pertains to goods inventory management (page 27, lines 19-27; FIG. 3, item 167 "Report") via the internet (page 9, lines 9-18) and through utilizing fixed detectors (page 6, lines 7-14; page 7, line 1-page 8, line 20; FIG. 1, item 3 "Detector;" page 34, lines 24-29; and page 35, lines 4-8) and mobile sensors (page 6, lines 7-14; page 34, lines 24-26; and page 35, lines 1-8). Monitored objects (page 3, lines 1-7 and 12-19; and FIG.1, item 2 "Object") are represented with a data structure (page 2, lines 11-13; and page 18, lines 25-30) comprising of 1) an object identifier (page 20, lines 7-17) representing one or more goods in production, inventory and shipment; 2) a first object location and time (page 22, lines 7-13), provided by a detector coupled to the console processing unit; and 3) a second object location and time, provided by a sensor coupled to the console processing unit. Additionally, the invention discloses a method (page 2, lines 28-29; FIG. 4; page 9, lines 9-18; page 29, lines 17-24; and page 30, lines 4-13) for processing such data structure and the utilization of a single-chip integrated circuit for doing so.

Security is addressed in the invention as an access means processes the data structure securely using a digital certificate (page 22, lines 15-23), watermark (page 8, lines 14-16) or encryption key (page 22, lines 15-17). This security feature assures that such data structure is accessible for object-monitoring from only one or more specified network site or processor. Control software is implemented in order to provide the data structure (page 2, lines 11-13) automatically and for network surveillance in response to user search query (page 11, lines 9-16; page 14, line 29-page 15, line 15; and page 31, line 12-18). Furthermore, such software is comprised of numerous components including a network and data communication module (page 14, line 22; and FIG. 3, item 161 “Communication”), an object and map database (page 14, lines 6-7; FIG. 3, item 162 “Database”; and page 18, lines 17-23) an object movement processing module (page 14, line 7, FIG. 3, item 163 “Movement”; and page 19, lines 12-29), a security management module (page 14, line 7; FIG. 3, item 164 “Security”; and page 22, line 15-page 23, line 8), an electronic transaction processing module (page 14, line 8; FIG. 3, item 165 “Transaction”; and page 23, line 25-page 25, line 11), a diagnosis tool (page 14, line 8; FIG. 3, item 166 “Diagnosis”; and page 26, lines 15-22), and a performance report updater module (page 14, lines 8-9; FIG. 3, item 167 “Report”; and page 27, line 19-page 28, line 2). Also included is a visual object analyzer module (page 14, line 9; FIG. 3, item 168 “Visual”; and page 28, lines 4-15) comprising a neural network or simulation program for recognizing adaptively one or more identified goods for real-time tracking of multiple goods movement, whereby such modules are functionally integrated to enable surveillance-based commercial transaction using the data structure (page 25, lines 13-28; and page 27, lines 1-7).

## **VI. Grounds of rejection to be reviewed on appeal**

- A. Whether claims 1-3, 5-12, 14-16, 18-21, and 23 are unpatentable under 35 U.S.C. 103(a) over Rauber et al. (US 6,182,053) in view of Woolston (US 5,845,265).
- B. Whether claims 13, 17, and 22 are unpatentable under 35 U.S.C. 103(a) over Rauber et al. (US 6,182,053) in view of Woolston (US 5,845,265) as applied to claims 1, 11, and 20, and further in view of Durbin et al. (US 6,039,258).
- C. Whether claim 4 is unpatentable under 35 U.S.C. 103(a) over Rauber et al. (US 6,182,053) in view of Woolston (US 5,845,265) as applied to claim 1, and in further view of Kennedy (US 6,301,480).

## **VII. Argument**

- A. The Examiner has clearly failed to provide a basis or rationale for the rejection of Claim 3, therefore Examiner has not established a *prima facie* case of obviousness under 35 U.S.C. 103(a).**

In order to establish a *prima facie* case of obviousness, the prior art references when combined must teach or suggest all the claim limitations. *See*, MPEP 706.02(j). Examiner begins the rejection of Appellant's invention by concluding that claims 1-3, 5-12, 14-16, 18-21, and 23 are unpatentable under 35 U.S.C. 103(a) over Rauber et al. (US 6,182,053) in view of Woolston (US 5,845,265). Thereafter, Examiner states Appellant's claim language in each of said claims with reference to specific figures and text of Rauber and Woolston. However, Examiner has failed to indicate which prior art reference and more specifically, where in that reference the language of Claim 3 is

taught. Nowhere in Examiner's argument is there provided a reference to prior art which teaches, "a position signal being generated by the detector coupled to the monitored object when such object is moveable within an observable range, a visual signal being generated by the sensor uncoupled to such object in the observable range," (Appellant's Claim 3).

Where a reference is relied on to support a rejection, whether or not in a minor capacity, that reference should be positively included in the statement of the rejection. *In re Hoch*, 428 F.2d 1341, 1342 (C.C.P.A. 1970). Additionally, MPEP 706.02(j) sets forth the contents of an Examiner's 35 U.S.C. 103 rejection as including, "the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate." In addressing Appellant's specific claim language that pertains to Rauber and similarly in addressing Appellant's specific claim language that pertains to Woolston, Examiner has failed to indicate the proper citation as to where the alleged §103(a) rejection of Claim 3 is based. MPEP 706.02(j) states that, "[i]t is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given a fair opportunity to reply."

Appellant argues that Examiner has provided no basis for rejection under §103(a) due to the failure to cite in the prior art references the alleged teaching of Claim 3's language. Examiner has merely asserted rejection of Claim 3. Therefore, without rationale for the §103(a) rejection of Claim 3, Examiner has not proven that the prior art references teach or suggest all the claim limitations under MPEP 706.02(j), and thus has failed to establish a *prima facie* case of obviousness.



**B. The Examiner has not provided sufficient evidence of *prima facie* obviousness under §103(a) for the rejection of Claims 1-3, 5-12, 14-16, 18-21, and 23 as unpatentable over the prior art of Rauber in combination with Woolston.**

On appeal to the Board, an applicant can overcome a rejection by showing insufficient evidence of *prima facie* obviousness. *In re Rouffett*, 149 F.3d 1350, 1355 (Fed. Cir. 1998). Examiner has argued that Claims 1-3, 5-12, 14-16, 18-21, and 23 are a combination of elements found in Rauber and Woolston. It is known that most, if not all, inventions are combinations and mostly of old elements. *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 1540 (Fed. Cir. 1983). In demonstrating the combination, Examiner has merely identified relevant text and figures in both Rauber and Woolston that correspond to Appellant's Claim language. However, the court has held that mere identification of each element in the prior art is insufficient to defeat the patentability of the combined subject matter as a whole. *Rouffett*, 149 F.3d at 1355, 1357. To establish a *prima facie* case of obviousness based on a combination of elements disclosed in the prior art, the Examiner must articulate the basis on which it concludes that it would have been obvious to make the claimed invention. *Id.* Specifically, Examiner must "explain the reasons why one of ordinary skill in the art would have been motivated to select the references and to combine them to render the claimed invention obvious." *Id.* at 1359. In detail, this "motivation-suggestion-teaching" test asks not merely what the references disclose, but whether a person of ordinary skill in the art, possessed with the understandings and knowledge reflected in the prior art, and motivated by the general problem facing the inventor, would have been led to make the combination recited in the

claims. *See, Cross Med. Prods., Inc. v. Medtronic Sofamor Danek, Inc.*, 424 F.3d 1293, 1321-24 (Fed. Cir. 2005).

In order to find evidence of such motivation, suggestion or teaching, the court has recommended three places: 1) the content of the public prior art; 2) the nature of the problem addressed by the invention; or 3) the knowledge of one of ordinary skill in the art. *See, SIBA Neurosciences, Inc. v. Cadus Pharm. Corp.*, 225 F.3d 1349, 1356 (Fed. Cir. 2000). Examiner has presumably addressed the second place, the nature of the problem addressed by the invention. In determining whether the nature of the problem addressed by the invention supplies a motivation to combine certain prior art references, the court has engaged in a detailed analysis of the nature of the problem solved by the invention. *See, Princeton Biochemicals, Inc. v. Beckman Coulter, Inc.*, 411 F.3d 1332, 1338-39 (Fed. Cir. 2005). Here the Examiner has not even begun to provided detailed analysis of the sort of problem addressed by Appellant's invention. Instead, Examiner briefly states that the alleged motivation to combine Rauber and Woolston by one of ordinary skill in the art would allow for, "observing goods with its price during inventory," and "allow the user to easily set up his or her own warehouse, store, or retailer for buying and selling goods via the Internet." In other words, Examiner is arguing that the nature problem addressed by Appellant's invention is the setting up of warehouses for internet sales and observing goods with price during inventory. Examiner argues the combination of Rauber and Woolston is motivated because it allows the user to "easily set up" such internet retail operations. Appellant argues that such reasoning is flawed.

First, Examiner misses the point of the nature of the problem addressed by Appellant's invention. In short, Appellant's invention deals with the problem of goods inventory management via the internet and through utilizing fixed detectors and mobile sensors, not the problem as stated by Examiner. Furthermore, if a person of ordinary skill in the art was faced with the problem as articulated by Examiner of setting up warehouses for internet sales with observation of goods with price during inventory, and that such person wanted to solve this problem "*easily*" as examiner states, they would not need to combine Rauber and Woolston. One would merely need to utilize the prior art as taught by the Woolston patent. In this patent, Woolston teaches a method for creating a "computerized market for used and collectible goods," i.e., Internet sales. Also, Woolston teaches a method to allow the "purchaser to change the price of the good once the purchaser has purchased the good thereby to allow the purchaser to speculate on the price." In fact, this patent allowed Woolston to found the company MercExchange, L.L.C in 2001 and successfully commercialize this on-line auction technology. The Woolston patent essentially solved the problem of setting up warehouses for internet sales with observation of goods with price during inventory. Appellant stresses that Woolston was able to do this solely in reliance on his own patented invention and without the combination of the Rauber patent. Therefore, a person of ordinary skill in the art faced with the problem of "*easily*" setting up warehouses for internet sales with observation of goods with price during inventory would only need to utilize the Woolston patent.

Furthermore, Appellant argues that a person of ordinary skill in the art would not rely on the Rauber patent to solve such a problem. It has been long established by the

court that in order to be considered in a §103(a) obviousness analysis, prior art references must be analogous art. *See, Application of Antle*, 444 F.2d 1168 (C.C.P.A. 1971). The characteristic of being analogous refers to the prior art that courts deem, as a matter of law, a person having ordinary skill in the art would reasonably have consulted in solving the problem addressed by the claimed invention. Rauber is non-analogous art to the problem, as articulated by Examiner, of “easily” setting up warehouses for internet sales with observation of goods with price during inventory. Rauber relates to managing distressed inventory, which is defined as inventory that is shipped by freight carriers which does not reach its intended destination, is not accepted by the buyer, accidentally loaded on the wrong freight truck, damaged, or simply marked improperly. Thus, it is evident that Rauber does not relate to the nature of the problem as articulated by Examiner. Therefore, Rauber is non-analogous prior art which does not address the particular problem of “easily” setting up warehouses for internet sales with observation of goods with price during inventory.

With only a need to utilize the Woolston patent to solve the nature of the problem as articulated by the Examiner, Appellant can find no teaching, suggestion or motivation to combine the prior art of Woolston with Rauber. Therefore, absent such findings, Appellant concludes that Examiner has stated insufficient evidence of *prima facie* obviousness of Claims 1-3, 5-12, 14-16, 18-21 and 23 under §103(a), and as such Appellant’s application should be allowed.

**C. The Examiner has made contradictory and incorrect statements and thus has improperly rejected claims 1-3, 5-12, 14-16, 18-21, and 23 under 35 U.S.C. 103(a) as being unpatentable over Rauber and Woolston.**

The language of independent Claims 1, 11 and 20 state in part, “a first object location and time monitored at such location, the first object location being provided by a *detector*,” (italics added). In addressing this language, Examiner cites Rauber (fig. 2, items 212-218) and states that the warehouse would obviously have a *detector* for detecting the first object.

First, Appellant presumes that Examiner is arguing that the warehouse inherently has a detector. If that is the case, Examiner cannot merely assert such an inherency determination. Rather, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic *necessarily* flows from the teachings of the applied prior art.” *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). Examiner has not done so here and thus has incorrectly stated that such warehouse in Rauber would, “obviously have a detector.”

Second, after stating that such detector is obvious in the warehouse of Rauber, Examiner then states, “[i]t is noted that Rauber *does not* particularly teach Internet and at least one fixed *detector*.” Here Examiner has done an about face – first in stating that Rauber would obviously have a detector, and then stating that Rauber does not have such detector. These are contradictory statements.

Therefore, Appellant argues that Examiner has improperly rejected claims 1-3, 5-12, 14-16, 18-21, and 23 under 35 U.S.C. 103(a) as being unpatentable over Rauber and Woolston and as such Appellant’s application should be allowed.

**D. Without establishing a *prima facie* case for the §103(a) obviousness combination of Rauber and Woolston, Examiner has not established that Claims 13, 17, and 22 are unpatentable over Rauber and Woolston in view of Durbin et al., and that Claim 4 is unpatentable in view of Kennedy.**

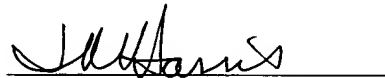
In rejecting claims 13, 17 and 22, Examiner relies on the combination of Rauber and Woolston with the prior art reference of Durbin et al. Appellant has previously argued, extensively, that there is no teaching, suggestion or motivation to combine the prior art of Woolston with Rauber, and thus Examiner has stated insufficient evidence for the *prima facie* obviousness combination of these prior art references under §103(a). Therefore, without a valid combination of Rauber and Woolston, Examiner's argument for rejecting Claims 13, 17 and 22 via incorporation of the teachings of Durbin into the combined system of Rauber and Woolston must fail. Similarly, with respect to Claim 4, Examiner's argument for the incorporation of the teachings of Kennedy into the system of Rauber and Woolston must also fail. In conclusion, claims 4, 13, 17 and 22 are patentable over the Rauber, Woolston, Durbin, and Kenney, and as such Appellant's application should be allowed.

### CONCLUSION

For all of the reasons stated above, Appellant respectfully concludes that Examiner was in error to reject claims 1-3, 5-12, 14-16, 18-21, and 23 as being unpatentable over Rauber et al. (US 6,182,053) in view of Woolston (US 5,845,265) under 35 U.S.C. 103(a); Examiner was in error to reject claims 13, 17, and 22 as being unpatentable over Rauber in view of Woolston as applied to claims 1, 11, and 20, and in further view of Durbin et al. (US 6,039,265) under 35 U.S.C. 103(a); and Examiner was in error to reject claim 4 as being unpatentable over Rauber in view of Woolston as applied to claim 1, and in further view of Kennedy (US 6,301,480) under 35 U.S.C. 103(a). Therefore, Appellant prays for careful consideration of this appeal by the Board of Patent Appeals and Interferences in order for the ultimate allowance of all Claims 1-23.

Respectfully Submitted,

Date: 11/17/2006



JAMES HARRIS  
Reg. No. 52,995

Fernandez & Associates, LLP  
Customer No. 22877  
Phone: (650) 325-4999  
Fax: (650) 325-1203

## VIII. Claims appendix

### **Claims Presented For Appeal** **(as filed via Rule-116 Amendment dated June 2, 2006)**

1. (PREVIOUSLY PRESENTED) In a console processing unit for goods inventory management coupled via the Internet to at least one fixed detector and at least one mobile sensor, a data structure for representing a monitored object, the data structure comprising:
  - an object identifier, such object identifier representing one or more goods in production, inventory and shipment;
  - a first object location and a time monitored at such location, provided by a detector coupled to the console processing unit; and
  - a second object location and a time monitored at such location, provided by a sensor coupled to the console processing unit;wherein an access means processes the data structure securely using a digital certificate, watermark or encryption key, such that the data structure is accessible for object-monitoring from only one or more specified network site or processor, the data structure being provided automatically using control software for network surveillance in response to a user search query, the software comprising a network and data communication module, an object and map database, an object movement processing module, a security management module, an electronic transaction processing module, a diagnosis tool, a performance report updater module, and a visual object analyzer module comprising a neural network or simulation program for recognizing adaptively one or more identified goods for real-time tracking of multiple goods movement, whereby such modules are



functionally integrated to enable surveillance-based commercial transaction using the data structure.

2. (PREVIOUSLY PRESENTED) The data structure of Claim 1 further comprising:

a scheduled object location and a time scheduled for such location.

3. (PREVIOUSLY PRESENTED) The data structure of Claim 1 wherein:

a position signal being generated by the detector coupled to the monitored object when such object is moveable within an observable range, a visual signal being generated by the sensor uncoupled to such object in the observable range.

4. (PREVIOUSLY PRESENTED) The data structure of Claim 1 wherein:

the detector comprises an accelerometer.

5. (PREVIOUSLY PRESENTED) The data structure of Claim 1 wherein:

a software agent associated with the monitored object accesses a database.

6. (PREVIOUSLY PRESENTED) The data structure of Claim 1 wherein:

the object identifier comprises an object name, an object group, an object query, an object condition, an object status, an object location, an object time, an object error, or an object image, video, or audio broadcast signal.

7. (PREVIOUSLY PRESENTED) The data structure of Claim 3 wherein:

the observable range is modifiable according to a rule set.

8. (PREVIOUSLY PRESENTED) The data structure of Claim 1 wherein:

the monitored object is monitored temporarily using an extrapolated or last-stored positional or visual signal.

9. (PREVIOUSLY PRESENTED) The data structure of Claim 1 wherein:

the monitored object is authenticated according to a voice pattern, a finger-print pattern, a handwritten signature, or a magnetic or smart-card signal.

10. (PREVIOUSLY PRESENTED) The data structure of Claim 1 wherein:

the monitored object is provided an electronic file comprising a book, a greeting card, a news report, a sports report, a stock report, an artwork, a research database, a personal list, a recorded or live voice or music transmission, an electronic tool, or a commercial transaction.

11. (PREVIOUSLY PRESENTED) In a console processing unit for goods inventory management coupled via the Internet to at least one fixed detector and at least one mobile sensor, a method for processing a data structure for representing a monitored object, the method comprising the step of:

transmitting to a processor in a network a data structure comprising an object identifier, such object identifier representing one or more goods in production,

inventory and shipment, a first object location and a time monitored at such location, the first object location being provided by a detector coupled to a console processing unit, and a second object location and a time monitored at such location, the second object location being provided by a sensor coupled to the console processing unit; wherein an access means processes the data structure securely using a digital certificate, watermark or encryption key, such that the data structure is accessible for object-monitoring from only one or more specified network site or processor, the data structure being provided automatically using control software for network surveillance in response to a user search query, the software comprising a network and data communication module, an object and map database, an object movement processing module, a security management module, an electronic transaction processing module, a diagnosis tool, a performance report updater module, and a visual object analyzer module comprising a neural network or simulation program for recognizing adaptively one or more identified goods for real-time tracking of multiple goods movement, whereby such one or more of such modules are functionally integrated to enable surveillance-based commercial transaction using the data structure.

12. (PREVIOUSLY PRESENTED) The data structure of Claim 1 wherein:

the sensor comprises a radio-frequency identification device for locating the identified goods, and the detector comprises a camera for observing such identified goods, thereby enabling the sensor and the detector to provide

corroborative surveillance of the identified goods within an observable range in which the sensor is mobile relative to the detector.

13. (PREVIOUSLY PRESENTED) The data structure of Claim 1 wherein:

the sensor comprises a sensor signal port for sensing a low-power or fuel condition of the identified goods, thereby enabling the console processing unit to indicate or warn a down period for using the identified goods.

14. (PREVIOUSLY PRESENTED) The data structure of Claim 1 wherein:

the detector comprises visual-analyzer means for recognizing adaptively the identified goods using a neural network or simulation program, thereby enabling secure inventory management of the identified goods.

15. (PREVIOUSLY PRESENTED) The data structure of Claim 1 wherein:

the data structure indicates in-stock availability of the identified goods for transacting shipment, and a tax-rate for transaction at the location of the identified goods.

16. (PREVIOUSLY PRESENTED) The method of Claim 11 wherein:

the sensor comprises a radio-frequency identification device for locating the identified goods, and the detector comprises a camera for observing such identified goods, thereby enabling the sensor and the detector to provide

corroborative surveillance of the identified goods within an observable range in which the sensor is mobile relative to the detector.

17. (PREVIOUSLY PRESENTED) The method of Claim 11 wherein:

the sensor comprises a sensor signal port for sensing a low-power or fuel condition of the identified goods, thereby enabling the console processing unit to indicate or warn a down period for using the identified goods.

18. (PREVIOUSLY PRESENTED) The method of Claim 11 wherein:

the detector comprises visual-analyzer means for recognizing adaptively the identified goods using a neural network or simulation program, thereby enabling secure inventory management of the identified goods.

19. (PREVIOUSLY PRESENTED) The method of Claim 11 wherein:

the data structure indicates in-stock availability of the identified goods for transacting shipment, and a tax-rate for transaction at the location of the identified goods.

20. (PREVIOUSLY PRESENTED) In a network for goods inventory management for coupling at least one fixed detector and at least one mobile sensor, a single-chip integrated circuit for processing a data structure for representing a monitored object, the circuit comprising:

a processor provided in a wireless target unit for transmitting or receiving in a network a data structure comprising an object identifier, such object identifier representing one or more goods in production, inventory and shipment, a first object location and a time monitored at such location, the first object location being provided by a detector, and a second object location and a time monitored at such location, the second object location being provided by a sensor; wherein an access means processes the data structure securely using a digital certificate, watermark or encryption key, such that the data structure is accessible for object-monitoring from only one or more specified network site or processor, the data structure being provided automatically using control software for network surveillance in response to a user search query, the software comprising a network and data communication module, an object and map database, an object movement processing module, a security management module, an electronic transaction processing module, a diagnosis tool, a performance report updater module, and a visual object analyzer module comprising a neural network or simulation program for recognizing adaptively one or more identified goods for real-time tracking of multiple goods movement, whereby one or more of such modules are functionally integrated to enable surveillance-based commercial transaction using the data structure.

21. (PREVIOUSLY PRESENTED) The circuit of Claim 20 wherein:

the sensor comprises a radio-frequency identification device for locating the identified goods, and the detector comprises a camera for observing such

identified goods, thereby enabling the sensor and the detector to provide corroborative surveillance of the identified goods within an observable range in which the sensor is mobile relative to the detector.

22. (PREVIOUSLY PRESENTED) The circuit of Claim 20 wherein:

the sensor comprises a sensor signal port for sensing a low-power or fuel condition of the identified goods, thereby enabling indication or warning of a down period for using the identified goods.

23. (PREVIOUSLY PRESENTED) The circuit of Claim 20 wherein:

the detector comprises visual-analyzer means for recognizing adaptively the identified goods using a neural network or simulation program, thereby enabling secure inventory management of the identified goods.

**VIII. Evidence appendix**

None.

**X. Related proceedings appendix**

None.





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,509	03/29/2001	Dennis Sunga Fernandez	FERN-P001C	8530

22877 7590 11/08/2006

FERNANDEZ & ASSOCIATES LLP  
1047 EL CAMINO REAL  
SUITE 201  
MENLO PARK, CA 94025

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 11/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

REC'D NOV 10 2006

DOCKETED  
DATE 11/10/2006 FE

**Notification of Non-Compliant Appeal Brief  
(37 CFR 41.37)**

Application No.

09/823,509

Applicant(s)

FERNANDEZ ET AL.

Examiner

Tung Vo

Art Unit

2621

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

The Appeal Brief filed on 23 October 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.  
**EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

The claimed invention is not mapped to independent claims 1, 11 and 20, which shall refer to the specification by page and line number and to the drawings, if any.

  
BRIDGET C. MONROE  
PATENT APPEAL CENTER SPECIALIST